

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DIONTAE JOHAN DUNCAN,  
  
Plaintiff,  
  
v.  
  
CALIFORNIA HEALTHCARE  
RECEIVERSHIP CORP., et al.,  
  
Defendants.

Case No. 1:20-cv-01288-KES-SKO (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
CERTAIN DEFENDANT AFTER  
SCREENING OF PLAINTIFF'S THIRD  
AMENDED COMPLAINT**

Doc. 128

Plaintiff Diontae Johan Duncan is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 30, 2025, the assigned magistrate judge filed findings and recommendations, recommending that this action proceed only on the claims in plaintiff's third amended complaint for deliberate indifference to serious medical needs against defendants Grewal, Marciel, Tristen Taylor, and Gallienne; and that defendant Jane Doe #1 be dismissed from the action for failure to state a claim. Doc. 128 at 11–12. Further, it was recommended that defendants Grewal, Marciel, Tristen Taylor, and Gallienne be ordered to file an answer to plaintiff's third amended complaint within 30 days of the adoption of the findings and recommendations. *Id.* at 12. Those findings and recommendations were served on plaintiff and contained notice that any objections thereto

1 were to be filed within 14 days after service. *Id.* at 12. No objections have been filed and the  
2 time to do so has now passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de  
4 novo review of this case. Having carefully reviewed the file, the Court finds the findings and  
5 recommendations to be supported by the record and proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations issued on June 30, 2025, Doc. 128, are adopted  
8 in full;
- 9 2. This action proceeds only on the Eighth Amendment deliberate indifference to  
10 serious medical needs claims against defendants Grewal, Marciel, Tristan Taylor,  
11 and Gallienne as alleged plaintiff's third amended complaint;
- 12 3. Any remaining claims in plaintiff's third amended complaint are dismissed;
- 13 4. Defendant Jane Doe #1 is dismissed from this action;
- 14 5. Defendants Grewal, Marciel, Tristen Taylor, and Gallienne shall file a responsive  
15 pleading to plaintiff's third amended complaint **within 30 days** of the entry of this  
16 Order; and
- 17 6. The matter is referred back to the magistrate judge for further proceedings.

18  
19  
20 IT IS SO ORDERED.

21 Dated: September 13, 2025

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE